

Sustainable Water Management Initiative

Advisory Committee Meeting Summary

July 27, 2010 – 1:00 PM to 3:00 PM

In attendance:

Committee Chairs: Laurie Burt, MADEP; David Cash, EOEEA; Mary Griffin, MADFG; Rick Sullivan, MADCR

Committee Members: Kathy Baskin, EOEEA; Lee Breckenridge, Northeastern Univ.; Jack Buckley, MADFG; Anne Carroll, MADCR; Alan Cathcart, Mass Water Works Assoc.; Stephen Estes-Smargiassi, MWRA; Nancy Goodman, Environmental League of Mass.; Glenn Haas, MADEP; Michael Hanlon, ACED-MA; Scott Horsley, Horsley & Whitten; Jeff Lafleur, Cape Cod Cranberry Growers Assoc.; Jennifer Pederson, Mass Water Works Assoc.; Martin Pillsbury, Metropolitan Area Planning Commission; Mark Smith, Nature Conservancy; Margaret Van Deusen, Charles River Watershed Assoc.; Tom Walsh, Upper Blackstone WPAD; Peter Weiskel, US Geological Survey; Peter Shelley, CLF

Other Attendees: Ralph Abele, USEPA; Sue Beede, Mass Rivers Alliance; Alison Bowden, Nature Conservancy; John Clarkeson, EOEEA; Sara Cohen, DCR; Karen Crocker, MADEP; Rebecca Cutting, MADEP; Jeff Davis, Donahue Center; Jen D'Urso, MADEP; Marty Suuberg, MADEP; Lucy Edmondson, MADEP; Richard Friend, MADEP; Bruce Hanson, MADCR; Linda Hutchins, MADCR; Tom Lamonte, MADEP; Duane LeVangie, MADEP; Kerry Mackin, Ipswich River Watershed Assoc.; Peter Newton, SEA; Steve Pearlman, Watershed Action Alliance; Vandana Rao, EOEEA; Tim Purinton, MADFG; Jonathan Yeo, MADCR; Audrey Lamb, EEA

July 27 Meeting Objectives

- Categorization pilot and stream classification
- Sustainable allocation and Safe Yield scenarios

Updates

- The draft Ipswich Permits were released the week of July 19th. The comment period ends 8/13/10.
- The USGS Report, "Preliminary Assessment of Factors Influencing Riverine Fish Communities in Massachusetts" is now available on the web at <http://pubs.usgs.gov/of/2010/1139/>
- The next advisory committee meeting is September 1 from 10:00 am – 12:30 pm in room C on the 2nd floor of 100 Cambridge St, Boston.
- A late September retreat may be in order – please review your calendars for availability.

Technical Subcommittee Updates:

The Technical Subcommittee last met on 7/13 to continue discussions on Safe Yield/streamflow categorization methodologies, the pilot study results, and to develop a preferred recommendation on a categorization method. A detailed discussion of the baseline impervious cover, with options ranging from 0% to 3% resulted in the following recommendation:

The Technical Subcommittee proposes to the Advisory Committee a baseline impervious cover of 1% statewide.

1 This summary is offered for discussion purposes only and does not necessarily represent current statute, regulation, or policy positions of the Commonwealth of Massachusetts unless specifically acknowledged. This summary is not to be cited as a reference. Its purpose is to foster open and broad discussion of the issues of sustainable water management as well as help assure public awareness of the discussions as of the date of the presentation.

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Additional points highlighted by the Technical Committee:

- For each unit increase in impervious cover, there is 5.5% decrease in relative abundance of fluvial fish species.
- For each unit increase in August alteration, there is 0.4% decrease in relative abundance of fluvial fish species.
- There are a large number of category 5s at both 1 and 3% impervious cover – should the category 5s be broken out further?

Discussion among the Advisory Committee:

- Can category 5s be broken out into those with similar parameters? (5A, 5B, or 5C) or a 6 or 7?
- Can we pull out resources from the categorization, like cold water fisheries?
- Could there be coldwater resources within a Category 5?
- There is no “stigma” of being a Category 5—categorization is separate from goal-setting

➤ **The Advisory Committee agreed in principle that 1% impervious cover be accepted as a baseline factor in determining stream categorization.**

Stream Classification

I. Viable goals: Goals should be set with clear understanding of implementation mechanisms, defining scale and measurement of net benefit

- **Goal - No Backsliding**
 - As a policy, is this a viable policy?
 - Discussion included the following points:
 - Too low a target, improvement/restoration should be a goal
 - Would trade offs be possible: i.e. let one slip a little to pursue significant improvement elsewhere? As a simple mathematical exercise, it might limit the ability to make a worthwhile change in one for a small impact in another
 - In the case of trading, seek net benefit
 - Would the policy be applied within any sublevels of Category 5?
 - Could we allow trading?
 - Is this realistic given the fact that land use is not under our control?
 - What are the implications to communities?
 - How would “backsliding be measured” – a drop in category?
 - At what scale? Statewide, Basin, or Sub-basin

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- Do the water quality standards for each basin offer guidance in the methodology, providing a starting point for each basin?
- **What other goals may be a possibility?**
 - Are there resource-specific goals that may be better measured at a statewide scale than goals?
 - Within the concept of no back-sliding, are there separate causes for impairment that should be considered in managing restoration?
- **What tools are there to implement this goal?**
 - **WMA permits:** Does MassDEP have the ability to require communities to adopt stormwater by-laws requiring offsets?
 - **MEPA** could help ensure mechanisms for requiring mitigation / no net loss, even across types of activities (withdrawals versus development)
 - **Impervious Cover Reduction:**
 - Simply using total impervious cover does not permit any measurement of or accounting for benefits that minimizes the effective I/C, even while adding total I/C
 - I/C is an indicative marker for many impacts on fish. We do not know with certainty that reducing I/C will remove causes of fish decline.

In general, there was not consensus to support no “back-sliding” as a goal.

Safe Yield and Allocation Policies

- In clarifying the term “consumptive”, scale is critical. Discussion included:
 - In computing Safe Yield, consideration of “consumptive” makes sense, but it is not appropriate for streamflow criteria as location and timing are critical on the small scale.
 - How close would recharge need to be to the waters origin to define as non-consumptive?
 - The concept of consumptive loss could provide an incentive for more local recharge.
 - What about the water quality, especially in the case of surcharged basins?
 - It may be easier to review consumptive loss versus non-consumptive loss rather than pursue changes/flexibility in Safe Yield definitions.
- Flexibility in defining Safe Yield - Discussion included:
 - Should we consider using more than one methodology in determining Safe Yield?
 - Should we consider Safe yields that are scheduled to apply in the future (replacing some other Safe Yield) to direct improvements?
 - Should we consider offsets to bring consumptive loss in line with Safe Yield?
 - Is there really the legal room to be flexible with Safe Yield?
 - Could Safe Yield be used at the large scale but use other seasonal restrictions in permit?
 - The optimization of wells may be an opportunity to use groundwater storage to protect seasonal water flows.